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In re Application of	:	
Yuichi WATANABE	:	
Application No.: 09/926,281	:	DECISION ON
PCT No.: PCT/JP01/00885	:	
Int. Filing Date: 08 February 2001	:	PETITION
Priority Date: 08 February 2000	:	
Attorney's Docket No.: P1389	:	UNDER 37 CFR 1.181
For: APPARATUS AND CIRCUIT FOR POWER	:	
SUPPLY, AND APPARATUS FOR CONTROLLING	:	
LARGE CURRENT LOAD	:	

This decision is in response to the "Petition Under 37 CFR 1.181 For Corrected Notice Of Acceptance," requesting a corrected Notification of Acceptance under 35 USC 371 because the date of receipt of 35 USC 371(c)(1), (c)(2), (c)(4) requirements is incorrect.

### **BACKGROUND**

On 05 October 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), copy of the international application. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed Declaration or Oath was provided with the transmittal letter.

On 01 November 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from its 01 November 2001 date of mailing or by 22 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application. In addition, the surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e))

On 12 December 2001, applicant filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" which included a copy of the 23 October 2001 date-stamped filing postcard and a copy of the Declaration.

On 24 January 2002, the United States Designated/Elected Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) indicating that the date of receipt of 35 USC 371(c)(1), (c)(2) and (c)(4) requirements is 12 December 2001.

On 07 February 2002, applicant filed the instant petition requesting a corrected notice of acceptance, which included a copy of the date-stamped postcard by the USPTO.

### **DISCUSSION**

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard indicates that a Combined Declaration, Petition & Power of Attorney was submitted on 23 October 2001. However, it is unclear from the record if the copy of the Declaration submitted on 12 December 2001 was a true copy of the Declaration submitted on 23 October 2001.

Accordingly, since it is unclear if the Declaration submitted on 12 December 2001 is a true copy of the Declaration filed on 23 October 2001, the 35 USC 371 date of 12 December 2001 is correct.

### **DECISION**

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within **TWO(2) MONTH** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Consideration Under 37 CFR 1.181."

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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